

**REMARKS/ARGUMENTS**

The Examiner is thanked for the performance of a thorough search.

By this amendment, Claims 1, 11, 14, and 24 have been amended. No claims have been added or cancelled. Hence, Claims 1-26 are pending in the application.

**SUMMARY OF THE REJECTIONS/OBJECTIONS**

Claims 1-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Examiner's Automated Search Tool (User's Manual for the Examiner's Automated Search Tool) (hereinafter EAST).

**THE REJECTIONS BASED ON THE PRIOR ART**

Claims 1-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by EAST. The Final Office action has correlated the step of "detecting input indicating the selection of a second criteria" of Claims 1 and 14 to checking check boxes (item 50 in Figure 9.2, as labeled by the Office Action). In item 50, the check marks have been placed by the user to select which items satisfy a criteria. The Final Office Action further stated in the Response to Arguments section that "[e]ven though *user intervention* is required for the selection of the criteria, the criteria is nonetheless selected, and intravenous steps are not excluded from the claimed invention" (emphasis added).

Claims 1 and 11 have been amended to clarify that the steps performed are computer-implemented, and thus not performed by a user. Also Claims 1, 11, 14, and 24 have been amended to include a step of "determining how said plurality of items satisfy the...[second] criteria." The combination of these amendments clarify that a computer is determining how

the plurality of items satisfy the second criteria, not a user, which is discussed in the Final Office Action's description of EAST.

Because EAST fails to disclose or suggest at least these features of Claims 1, 11, 14, and 24, these claims are patentable. Reconsideration and allowance of these claims is therefore respectfully requested.

Claims 2-10, 12-13, 15-23, and 25-26 are dependent claims, each of which depends (directly or indirectly) on the claims discussed above. Each of Claims 2-10, 12-13, 15-23, and 25-26 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2-10, 12-13, 15-23, and 25-26 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of those limitations is not included at this time. The Applicant reserves the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Daniel D. Ledesma  
Reg. No. 57,181

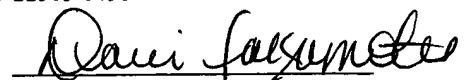
2055 Gateway Place, Suite 550  
San Jose, CA 95110  
(408) 414-1080  
**Date: December 8, 2005**  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on December 9, 2005

by

  
Darci Sakamoto